

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**MYRON "MICHAEL" ANSON and
CHRIS ANSON,**

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

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8:07CV185

ORDER

This matter is before the magistrate judge for full pretrial supervision. In reviewing the file, the court notes that the constitutionality of Neb. Rev. Stat. § 44-2825 was challenged in the plaintiffs' second cause of action; however, it does not appear that the plaintiffs have provided notice of this claim to the Attorney General of the State of Nebraska as required by Fed. R. Civ. P. 5.1(a).¹ Under Rule 5.1(c), the Attorney General may intervene within 60 days after the notice of constitutional question is filed or after the court certifies the challenge, whichever is earlier.

IT IS ORDERED that plaintiffs shall comply with the notice requirements of Fed. R. Civ. P. 5.1(a) and file a certificate of service demonstrating compliance with Rule 5.1(a) and this order no later than **September 10, 2007**.

DATED August 23, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**

¹Fed. R. Civ. P. 5.1, governing constitutional challenges to statutes, provides:

(a) Notice by a Party. A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a ... state statute must promptly:

(1) file a notice of constitutional question stating the question and identifying the paper that raises it, if:

* * * *

(B) a state statute is questioned and neither the state nor any of its agencies, officers, or employees is a party in an official capacity; and

(2) serve the notice and paper on ... the state attorney general if a state statute is challenged [] either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose.